

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JUAN FRANCISCO GONZALEZ NIEVES AS :
TRUSTEE OF THE GONZALEZ CORONADO :
TRUST, individually and on behalf of all others :
similar situated, :
:
Plaintiff, : Case No. 1:16-cv-03591-GHW
:
- against - :
:
KEVIN DAVIS and AMIR ROSENTHAL, :
:
Defendants. :
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**NOTICE OF MOTION BY DEFENDANTS KEVIN
DAVIS AND AMIR ROSENTHAL TO DISMISS THE
THIRD AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated October 28, 2019, the Declaration of Jason C. Rubinstein, dated October 28, 2019, and the exhibits annexed thereto, and all other papers and proceedings herein, Defendants Kevin Davis and Amir Rosenthal, by and through their attorneys, hereby jointly move this Court, before the Honorable Gregory H. Woods, at a date and time to be set by the Court, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 2260, New York, New York 10007, for an Order, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, dismissing Plaintiff's Third Amended Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order of the Court entered on September 6, 2019 [ECF No. 143], Plaintiff's opposition to this motion must be

served and filed no later than December 12, 2019, and Defendants' reply in further support of this motion must be served and filed no later than January 13, 2020.

Dated: October 28, 2019
New York, New York

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